



Journal of the House

State of Indiana

122nd General Assembly

First Regular Session

Sixteenth Day

Thursday Morning

February 18, 2021

The invocation was offered by Chaplain Pam Russell of the Public Servant's Prayer.

The House convened at 10:00 a.m. with Speaker Todd M. Huston in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Payne.

The Speaker ordered the roll of the House to be called:

Abbott	Karickhoff
Andrade	King
Austin	Klinker <input type="checkbox"/>
Aylesworth	Lauer
Baird <input type="checkbox"/>	Ledbetter
Barrett	Lehe <input type="checkbox"/>
Bartels	Lehman
Bartlett <input type="checkbox"/>	Leonard
Bauer	Lindauer
Behning <input type="checkbox"/>	Lucas
Borders	Lyness
Boy	Manning
Brown, T.	May
Campbell	Mayfield <input type="checkbox"/>
Carbaugh	McNamara
Cherry	Miller
Clere	Moed
Cook	Morris
Davis	Morrison <input type="checkbox"/>
Davisson <input type="checkbox"/>	Moseley
DeVon	Negele
DeLaney	Nisly
Dvorak <input type="checkbox"/>	Olthoff
Eberhart <input type="checkbox"/>	Pack <input type="checkbox"/>
Ellington	Payne
Engleman <input type="checkbox"/>	Pfaff
Errington	Pierce
Fleming	Porter <input type="checkbox"/>
Frye	Prescott
GiaQuinta	Pressel
Goodrich	Pryor <input type="checkbox"/>
Gore	Rowray <input type="checkbox"/>
Gutwein	Saunders
Hamilton	Schaibley
Harris <input type="checkbox"/>	Shackleford <input type="checkbox"/>
Hatcher <input type="checkbox"/>	Slager <input type="checkbox"/>
Hatfield <input type="checkbox"/>	Smaltz
Heaton	Smith, V. <input type="checkbox"/>
Heine	Snow
Hostettler	Soliday
Jackson <input type="checkbox"/>	Speedy <input type="checkbox"/>
Jacob	Steuerwald
Jeter	Sullivan <input type="checkbox"/>
Johnson	Summers <input type="checkbox"/>
Jordan	Teshka
Judy	Thompson

Torr ☐
VanNatter
Vermilion
Wesco

J. Young ☐
Zent
Ziemke
Mr. Speaker

Roll Call 185: 73 present; 27 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 22, 2021, at 1:30 p.m.

LEHMAN

The motion was adopted by a constitutional majority.

HOUSE BILLS ON SECOND READING

Pursuant to House Rule 143.1, the following bills which had no amendments filed, were read a second time by title and ordered engrossed: House Bills 1009, 1055, 1115, 1127, 1200, 1449 and 1558.

Representatives Hatcher, Shackleford, Slager, V. Smith, Speedy and Sullivan, who had been excused, are now present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1516

Representative Judy called down Engrossed House Bill 1516 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 69, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbboneau, L. Brown, Busch and Zay.

Representatives Bartlett, Eberhart, Harris, Jackson, Pack, Pryor and Summers, who had been excused, are now present.

Engrossed House Bill 1497

Representative Barrett called down Engrossed House Bill 1497 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 85, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Charbonneau and Raatz.

Representatives Hatfield, Morrison and Young , who had been excused, are now present.

Engrossed House Bill 1496

Representative Bartels called down Engrossed House Bill 1496 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 85, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Houchin and Doriot.

Engrossed House Bill 1485

Representative Wesco called down Engrossed House Bill 1485 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators G. Walker and Jon Ford.

Representatives Porter and Sullivan, who had been excused, are now present

Engrossed House Bill 1466

Representative Pressel called down Engrossed House Bill 1466 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 62, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Doriot.

Representatives Behning, Davisson, Dvorak and Rowray, who had been excused, are now present.

Engrossed House Bill 1437

Representative Cook called down Engrossed House Bill 1437 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 86, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Rogers.

Representative Baird, who had been excused, is now present.

Representative Shackelford, who had been present, is now excused.

Engrossed House Bill 1405

Representative Carbaugh called down Engrossed House Bill 1405 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 192: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Zay, G. Walker and Busch.

Representative Shackelford, who had been excused, is now present.

Engrossed House Bill 1396

Representative Smaltz called down Engrossed House Bill 1396 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 193: yeas 90, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Alting.

Representative Cherry, who had been present, is now excused.

Representative Mayfield, who had been excused, is now present.

Engrossed House Bill 1393

Representative Clere called down Engrossed House Bill 1393 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 194: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators L. Brown, Charbonneau and Yoder.

Representative Cherry, who had been excused, is now present.

Engrossed House Bill 1392

Representative Zent called down Engrossed House Bill 1392 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 195: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Buchanan and Niezgodski.

Representative Torr, who had been excused, is now present.

Engrossed House Bill 1384

Representative Cook called down Engrossed House Bill 1384 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 196: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Buchanan, Raatz and Crane.

Representative DeVon, who had been present, is now excused.

Engrossed House Bill 1367

Representative Teshka called down Engrossed House Bill 1367 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 197: yeas 52, nays 43. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bohacek, Rogers and Niezgodski.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:29 p.m. with the Speaker in the Chair.

Upon request of Representative Karickhoff, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 198: 77 present. The Speaker declared a quorum present.

HOUSE BILLS ON SECOND READING**House Bill 1028**

Representative Lucas called down House Bill 1028 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1028-1)

Mr. Speaker: I move that House Bill 1028 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-30-5-1, AS AMENDED BY P.L.142-2020, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 1. (a) A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor.

(c) A person who operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood commits a Class C misdemeanor.

(d) It is a defense to subsection (c) that:

(1) the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice; or

(2) the:

(A) controlled substance is marijuana or a metabolite of marijuana;

(B) person was not intoxicated;

(C) person did not cause a traffic accident; and

(D) substance was identified by means of a chemical test taken pursuant to IC 9-30-7.

(Reference is to HB 1028 as printed February 16, 2021.)

LUCAS

Motion prevailed. The bill was ordered engrossed.

House Bill 1095

Representative Moed called down House Bill 1095 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1095-2)

Mr. Speaker: I move that House Bill 1095 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-20-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Chapter 10. Low Barrier Homeless Shelter Task Force

Sec. 1. As used in this chapter, "task force" refers to the low barrier homeless shelter task force established by section 2 of this chapter.

Sec. 2. The low barrier homeless shelter task force is established.

Sec. 3. The task force consists of the following members:

(1) One (1) individual representing the office of the governor, who shall serve as a cochairperson of the task force.

(2) One (1) individual representing the office of the mayor of a consolidated city, who shall serve as a cochairperson of the task force.

(3) Two (2) members of the senate, appointed as follows:

(A) One (1) member appointed by the president pro tempore.

(B) One (1) member appointed by the minority leader.

(4) Two (2) members of the house of representatives, appointed as follows:

(A) One (1) member appointed by the speaker.

(B) One (1) member appointed by the minority leader.

(5) The secretary of family and social services or a designee of the secretary.

(6) The executive director of the Indiana housing and community development authority or the executive director's designee.

(7) The commissioner of correction or the commissioner's designee.

(8) One (1) individual representing the Marion County Public Health Department.

(9) One (1) individual representing the Marion County Housing Trust Fund.

(10) One (1) individual representing the largest business association in a consolidated city.

(11) One (1) individual representing a provider of housing and services for the homeless in a consolidated city.

Sec. 4. (a) A majority of the members of the task force constitutes a quorum.

(b) The affirmative vote of at least a majority of the members at which a quorum is present is necessary for the task force to take official action other than to meet and take testimony.

(c) The task force shall meet at the call of the cochairpersons.

Sec. 5. All meetings of the task force shall be open to the public in accordance with and subject to IC 5-14-1.5. All records of the task force shall be subject to the requirements of IC 5-14-3.

Sec. 6. The task force shall do the following:

(1) Determine the cost to build and operate a low barrier homeless shelter in a consolidated city, as well as potential funding sources. The low barrier homeless shelter must provide both short term and long term housing options.

(2) Study ways in which the state and a consolidated city can access additional federal funding for community based programs for the homeless.

Sec. 7. The task force shall submit a report to the governor and the legislative council not later than December 31, 2022. The report submitted to the legislative council must be in an electronic format under IC 5-14-6. Sec. 8. This chapter expires January 1, 2023."

Renumber all SECTIONS consecutively.

(Reference is to HB 1095 as printed February 16, 2021.)

MOED

Motion prevailed. The bill was ordered engrossed.

House Bill 1097

Representative Abbott called down House Bill 1097 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1097-1)

Mr. Speaker: I move that House Bill 1097 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 31.

Page 4, line 17, delete "person;" and insert "person;".

Page 4, line 17, reset in roman "or operates a vehicle in a".

Page 4, line 18, reset in roman "manner that creates a substantial risk of bodily injury to".

Page 4, line 19, reset in roman "another person;".

Page 4, line 21, delete "creates a substantial risk of".

Page 4, line 22, delete "bodily injury to another person or otherwise".

Page 4, line 23, delete "person;" and insert "person or the person has a prior conviction under this section;".

Page 4, delete lines 24 through 27.

Page 4, line 28, reset in roman "(3)".

Page 4, line 28, delete "(4)".

Page 4, line 31, reset in roman "(4)".

Page 4, line 31, delete "(5)".

Page 5, line 6, after "(c)(3)," reset in roman "or".

Page 5, line 6, delete "or (c)(5);".

Page 5, line 22, reset in roman "or".

Page 5, line 23, delete "or".

Page 5, delete line 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1097 as printed February 16, 2021.)

ABBOTT

Motion prevailed. The bill was ordered engrossed.

House Bill 1190

Representative Pressel called down House Bill 1190 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1190-1)

Mr. Speaker: I move that House Bill 1190 be amended to read as follows:

Page 3, delete lines 9 through 14.

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"(g) Not later than August 1, 2021, the Indiana department of transportation shall recalculate and apply permit fees for annual and trip permits granted under this section based on the 2014 Purdue Study. The Indiana department of transportation shall consider the impact of overweight divisible loads on roads and highways in recalculating permit fees under this subsection."

Page 3, line 19, delete "The Indiana".

Page 3, delete lines 20 through 21.

Page 3, line 33, delete "subsections (g) and (h)" and insert **"subsection (h)"**.

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"(n) Beginning July 1, 2022, the Indiana department of transportation shall, before July 1 of each year, submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the market fluctuation in the number of overweight divisible load permits issued during the previous year.

(o) Beginning July 1, 2022, the Indiana state police department shall, before July 1 of each year, submit a report to the legislative council and to the interim study committee on roads and transportation established by IC 2-5-1.3-4 in an electronic format under IC 5-14-6 regarding the number of accidents involving applicants permitted for overweight divisible loads. The report must include at least the following:

(1) The number of accidents that resulted in property damage.

(2) The number of accidents that resulted in personal injury."

(Reference is to HB 1190 as printed February 16, 2021.)

PRESSEL

Motion prevailed. The bill was ordered engrossed.

House Bill 1266

Representative Clere called down House Bill 1266 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1266-1)

Mr. Speaker: I move that House Bill 1266 be amended to read as follows:

Page 1, line 1, delete "5-1.2-8-26" and insert "20-19-3-23.2".

Page 1, line 3, delete "26." and insert **"23.2."**

Page 1, line 5, delete "authority" and insert **"department"**.

Page 2, line 10, delete "authority" and insert **"department"**.

(Reference is to HB 1266 as printed February 11, 2021.)

CLERE

Motion prevailed. The bill was ordered engrossed.

House Bill 1270

Representative Frye called down House Bill 1270 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1337

Representative Hostettler called down House Bill 1337 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1337-3)

Mr. Speaker: I move that House Bill 1337 be amended to read as follows:

Page 2, line 12, delete "918.6" and insert "**918.7**".

Page 2, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 2. IC 36-7-4-918.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 918.7. (a) This section does not apply to a county described under section 918.6(a)(2) of this chapter.**

(b) AREA. Notwithstanding sections 918.2 and 918.5 of this chapter, a zoning or subdivision control ordinance shall require that the board of zoning appeals submit any of the following petitions to the legislative body for approval or disapproval:

- (1) Special exceptions.**
- (2) Special uses.**
- (3) Use variances.**

(c) AREA. The board of zoning appeals shall file a petition under this section with the clerk of the legislative body with:

- (1) a favorable recommendation;**
- (2) an unfavorable recommendation; or**
- (3) no recommendation.**

(d) AREA. The legislative body shall give notice under IC 5-14-1.5-5 of its intention to consider the petition at its first regular meeting after the board of zoning appeals files its recommendation.

(e) AREA. A petition is granted or denied when the legislative body votes on the petition within sixty (60) days after the board of zoning appeals makes its recommendation. If the legislative body does not vote to deny the petition within sixty (60) days, the petition is approved.

(f) AREA. If the legislative body approves a petition, it must make the determination in writing as required under section 918.2 or 918.5 of this chapter or as required by the zoning ordinance."

Page 3, delete lines 1 through 15.

Page 4, line 3, delete "IC 36-7-4-918.6, as amended" and insert "**IC 36-7-4-918.7, as added**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1337 as printed February 11, 2021.)

HOSTETTLER

Motion prevailed. The bill was ordered engrossed.

Representatives Soliday, Teshka and Ziemke, who had been present, are now excused.

Representative DeVon, who had been excused, is now present.

House Bill 1369

Representative Smaltz called down House Bill 1369 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1369-5)

Mr. Speaker: I move that House Bill 1369 be amended to read as follows:

Page 30, delete lines 39 through 42.

Page 31, delete lines 1 through 21.

Renumber all SECTIONS consecutively.

(Reference is to HB 1369 as printed February 16, 2021.)

JACOB

Upon request of Representatives Jacob and Nisly, the Speaker ordered the roll of the House to be called. Roll Call 199: yeas 11, nays 82. Motion failed.

HOUSE MOTION
(Amendment 1369-4)

Mr. Speaker: I move that House Bill 1369 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 27 with "[EFFECTIVE JULY 1, 2021]".

(Reference is to HB 1369 as printed February 16, 2021.)

JACOB

Upon request of Representatives Jacob and Nisly, the Speaker ordered the roll of the House to be called. Roll Call 200: yeas 2, nays 92. Motion failed.

HOUSE MOTION
(Amendment 1369-7)

Mr. Speaker: I move that House Bill 1369 be amended to read as follows:

Page 34, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 24. IC 35-47-11.1-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) As used in this section, "department" means the Indiana department of natural resources.**

(b) Any person not otherwise prohibited from carrying or possessing a firearm under federal or state law shall be permitted beginning July 1, 2021, to carry or possess, without restriction, a firearm on any property:

- (1) affiliated with;**
- (2) operated or managed by;**
- (3) owned by; or**
- (4) leased by;**

the department.

(c) Before July 1, 2021, the department shall amend 312 IAC 8-2-3 to conform with subsection (b).

(d) A rule adopted by the department that conflicts with subsection (b) after June 30, 2021, is void.

(e) The publisher of the Indiana Administrative Code and Indiana Register shall amend 312 IAC 8-2-3 to reflect any change made by the department under subsection (c).

(f) The department shall adopt emergency rules under IC 4-22-2-37.1 to implement this section. An emergency rule adopted by the department under this subsection expires on the earlier of the following:

- (1) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2-24 through IC 4-22-2-36.**
- (2) July 2, 2022.**

(g) The department shall adopt rules under IC 4-22-2 that conform to subsection (b) not later than July 1, 2022."

Page 38, after line 1, begin a new paragraph and insert:

"SECTION 28. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1369 as printed February 16, 2021.)

JACOB

Representative Dvorak rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order. The bill was ordered engrossed.

House Bill 1383

Representative Cook called down House Bill 1383 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1515

Representative Judy called down House Bill 1515 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1515-1)

Mr. Speaker: I move that House Bill 1515 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2020 (RETROACTIVE)]".

Page 1, after line 12, begin a new paragraph and insert:

"SECTION 2. **An emergency is declared for this act.**"

(Reference is to HB 1515 as printed February 16, 2021.)

OLTHOFF

Motion prevailed. The bill was ordered engrossed.

House Bill 1527

Representative Goodrich called down House Bill 1527 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1531

Representative DeVon called down House Bill 1531 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1531-2)

Mr. Speaker: I move that House Bill 1531 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-44.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 44.1. "Exigent circumstances", as applied to an action by the department with regard to a child, means that:**

(1) the department has definite and articulable evidence giving rise to a reasonable suspicion that the child or a child residing in the home with the child:

(A) has been abused or neglected; or

(B) is in imminent danger of abuse or neglect;

(2) there is no less intrusive alternative to the department's action that would reasonably and sufficiently protect the child's imminent health or safety; and

(3) one (1) or more of the following applies:

(A) The parent, guardian, or custodian of the child:
(i) is the alleged perpetrator of the abuse or neglect of the child; or

(ii) is allegedly aware of the abuse or neglect of the child and has allegedly not ensured the child's safety.

(B) There is reason to believe that:

(i) the safety of the child might be jeopardized; or
(ii) essential evidence might not be available;

if the department's action is delayed or the child's parent, guardian, or custodian is notified before the department's action.

(C) The child is a homeless unaccompanied minor and is voluntarily receiving services at an emergency shelter or shelter care facility without the presence or consent of the child's parent, guardian, or custodian."

Renumber all SECTIONS consecutively.

(Reference is to HB 1531 as printed February 9, 2021.)

DEVON

Motion prevailed. The bill was ordered engrossed.

House Bill 1541

Representative Manning called down House Bill 1541 for

second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1541-4)

Mr. Speaker: I move that House Bill 1541 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE FEBRUARY 17, 2021 (RETROACTIVE)]".

Page 1, line 1, delete "SEA 148-2020," and insert "P.L. 168-2020,".

(Reference is to HB 1541 as printed February 16, 2021.)

MANNING

Motion prevailed.

HOUSE MOTION
(Amendment 1541-2)

Mr. Speaker: I move that House Bill 1541 be amended to read as follows:

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. IC 32-31-8.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. (a) This chapter applies to a rental agreement entered into or renewed after June 30, 2021.**

(b) This chapter applies to a landlord and tenant only if the rental agreement between the parties was entered into or renewed after June 30, 2021.

(c) A waiver of this chapter by a landlord or tenant, including a former tenant, by contract or otherwise, is void."

Renumber all SECTIONS consecutively.

(Reference is to HB 1541 as printed February 16, 2021.)

PIERCE

Motion withdrawn.

Representatives Dvorak, Eberhart, Pryor, Shackelford and Summers, who had been present, are now excused.

HOUSE MOTION
(Amendment 1541-1)

Mr. Speaker: I move that House Bill 1541 be amended to read as follows:

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. IC 32-31-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. A landlord shall do the following:**

(1) Deliver the rental premises to a tenant in compliance with the rental agreement, and in a safe, clean, and habitable condition.

(2) Comply with all health and housing codes applicable to the rental premises.

(3) Make all reasonable efforts to keep common areas of a rental premises in a clean and proper condition.

(4) Provide and maintain the following items in a rental premises in good and safe working condition, if provided on the premises at the time the rental agreement is entered into:

(A) Electrical systems.

(B) Plumbing systems sufficient to accommodate a reasonable supply of hot and cold running water at all times.

(C) Sanitary systems.

(D) Heating, ventilating, and air conditioning systems. A heating system must be sufficient to adequately supply heat at all times.

(E) Elevators, if provided.

(F) Appliances supplied as an inducement to the rental agreement.

(5) Disclose whether the property is in violation, or has

received a notice of violation within the past twelve (12) months, of any state or local building, health, or safety laws.

(6) Provide a written document to each tenant explaining the respective rights and responsibilities of the parties.

(7) Submit to a damages and inventory inspection documenting existing damage and the presence and condition of all mechanical equipment and fixtures before the beginning of the tenant's occupancy and at the end of the tenant's occupancy."

Renumber all SECTIONS consecutively.

(Reference is to HB 1541 as printed February 16, 2021.)

PIERCE

Upon request of Representatives GiaQuinta and Porter, the Speaker ordered the roll of the House to be called. Roll Call 201: yeas 26, nays 62. Motion failed.

Representatives Dvorak, Eberhart, Pryor, Shackelford and Summers, who had been excused, are now present.

HOUSE MOTION

(Amendment 1541-3)

Mr. Speaker: I move that House Bill 1541 be amended to read as follows:

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 2. IC 32-31-8.5-2, AS ADDED BY P.L.168-2020, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE FEBRUARY 17, 2021 (RETROACTIVE)]: Sec. 2. As used in this chapter, "protected activity" means any of the following actions taken by a tenant:

(1) Complaining to a governmental entity responsible for enforcing an applicable building or housing code ~~about a violation with respect to the rental premises that materially affects health or safety~~ or other applicable regulation or ordinance concerning a landlord's noncompliance with the building or housing code, regulation, or ordinance.

(2) Complaining to a landlord ~~in writing~~ concerning the landlord's violation of IC 32-31-5-6 or IC 32-31-8-5.

(3) Bringing an action against the landlord under IC 32-31-6 or IC 32-31-8.

(4) Organizing or becoming a member of a tenant's organization.

(5) ~~Testifying in a court proceeding or an administrative hearing against the landlord.~~ Pursuing an administrative or judicial remedy against a landlord or testifying against a landlord in an administrative or judicial proceeding."

Renumber all SECTIONS consecutively.

(Reference is to HB 1541 as printed February 16, 2021.)

PIERCE

Upon request of Representatives Pierce and Porter, the Speaker ordered the roll of the House to be called. Roll Call 202: yeas 28, nays 62. Motion failed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representatives Torr, Jeter and Cook be added as coauthors of House Bill 1042.

SCHAIBLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1095.

MOED

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Andrade be added as coauthor of House Bill 1115.

MILLER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lauer and Soliday be added as coauthors of House Bill 1164.

MANNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative May be added as coauthor of House Bill 1396.

SMALTZ

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 169, 214, 251 and 364 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ

Principal Secretary of the Senate

On the motion of Representative Gore, the House adjourned at 4:45 p.m., this eighteenth day of February, 2021, until Monday, February 22, 2021, at 1:30 p.m.

TODD M. HUSTON

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives